

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (CGM) SIPA Liquidation (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff, Plaintiff, v. BANK JULIUS BAER & CO. LTD., Defendant.	Adv. Pro. No. 11-02922 (CGM)

**ORDER DENYING BANK JULIUS BAER & CO. LTD.'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

The motion to dismiss the Amended Complaint under Bankruptcy Rule 7012 and Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) (the “Motion”) filed by Bank Julius Baer & Co. Ltd. (“Defendant”) came on for hearing before the Court on November 30, 2022 (the “Hearing”). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Amended Complaint, and the statements of counsel at the Hearing, and the Court has issued a

memorandum decision, dated December 15, 2022, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Amended Complaint is denied.
2. The deadline for Defendant to file an answer to the Amended Complaint is February 17, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: December 28, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge